

40. The method according to Claim 37 further comprising the step of visualizing the borders of the tumor in said image.

41. The method according to Claim 40 further comprising the step of excising the tumor cells from said tissue.

as cont.  
42. The method according to Claim 40 wherein said imaging step further comprises the steps of:  
receiving return light from said tissue representing a tissue section; and  
converting the returned light into electrical signals; and  
processing said electrical signals to provide a display of said image of said tissue section.

43. The method according to Claim 37 wherein said tumor represents one of carcinomas and melanomas.

Please Cancel Claims 1-26.

#### Remarks

The title and abstract have been amended to better correspond to the claims of the application.

The specification has been amended on page 6. This amendment is not new matter as diagnosis of tissue is supported on page 3, line 9, and the abstract of the application supports observation of tissue for diagnosis of conditions beneath the surface of tissue, such as skin, diagnosis and location of tumors, such as carcinomas and melanomas, and visualization of tumor borders prior to excision. The display is described on page 6, lines 4-5, and shown in FIG. 2. The subject matter of the abstract is not new matter, as it is considered part of the specification, and may support claims. See *In re Armbruster*, 185 USPQ 152, 154 (CCPA 1975), and MPEP §608.01(b). Entry of the amendment is thus requested.

Claims 1-26 are cancelled, and Claims 27-43 have been added for consideration by the Examiner.

Respectfully submitted,

Dated: May 26, 2000

Kenneth J. LuKacher  
Kenneth J. LuKacher  
Registration No. 38,539

**South Winton Court**  
**3136 Winton Road South, Suite 304**  
**Rochester, New York 14623**  
**Telephone: (716) 424-2670**  
**Facsimile: (716) 424-6196**